

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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MANHATTAN TELECOMMUNICATION CORP.,

Plaintiff,

No. 21-cv-1612 (CM)

v.

ATTRACTION SUPPORT SERVICES, LLC;  
JANINE VACCARELLO,

Defendants.

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**ORDER GRANTING IN PART AND DENYING IN PART MOTION TO DISMISS**

McMahon, J:

Plaintiff commenced this action on January 12, 2021 in New York Supreme Court, seeking damages for breach of contract and account stated against Attraction Support Services, LLC and an individual defendant, Janine Vaccarello. The case was removed from New York Supreme Court on February 23, 2021.

Defendants' attorney has moved to dismiss all of the counts against Ms. Vaccarello, and has also moved to dismiss the breach-of-contract claim as duplicative of the account-stated claim.

At a conference held this morning, both parties represented to the Court that Plaintiff discontinued its claims against Ms. Vaccarello in the state court prior to removal, and Plaintiff has no objection to dismissing her from this case. Accordingly, Defendant's motion to dismiss all claims against Ms. Vaccarello is GRANTED.

Defendant's motion to dismiss count one as being duplicative of count two is DENIED. Parties can plead alternative theories of recovery, although double recovery will not be allowed.

The Clerk is respectfully directed to remove the motion at Dkt. No. 7 from this court's list of open motions.

Additionally, in a letter motion at Dkt. No. 19, Defendants moved to seal or redact certain information included in documents attached in Plaintiff's filing in Dkt. No. 18. Defendant should provide the Court with a redacted version of Dkt. No. 18 which, when filed will remain on the public docket. The original document will remain under seal.

The Clerk is respectfully directed to remove the motion at Dkt. No. 19 from this court's list of open motions.

Dated: July 8, 2021  
New York, New York

A handwritten signature in black ink, appearing to read "Peter M. Hall", written over a horizontal line.

United States District Judge

BY ECF TO ALL COUNSEL